

Kay Burningham (#4201)
kay@kayburningham.com
Kay Burningham, Attorney at Law
299 South Main Street,
Suite #1375
Salt Lake City, Utah 84111
Phone: 1.888.234.370

Attorney for Laura A. Gaddy and the Class.

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

LAURA A. GADDY, individually
and on behalf of all others similarly
situated,

Plaintiffs,

v.

**[The] CORPORATION OF THE
PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS**, a Utah corporation sole.

Defendant

**PLAINTIFF'S EX PARTE MOTION FOR
LEAVE TO FILE OVERLENGTH
MEMORANDUM**

(DEMAND FOR JURY TRIAL)

2:19-cv-00554-RJS--DBP

Judge: Robert J. Shelby

Pursuant to District of Utah Local Rule 7-1(e), Plaintiff respectfully requests leave to exceed the word count limit to file an overlength memorandum in opposition to Defendant's 12(b) Motion to Dismiss.

Plaintiff's Opposition responds to a complex First Amendment defense raised by Defendant in its motion. Even if its motion is denied, Defendant has indicated that it will seek interlocutory appeal. Plaintiff's Opposition analyzes the constitutional issues presented by Defendant *vis a vis* her "fraud claims," along with

whether the issue is jurisdictional or an affirmative defense and more properly brought under 12(b)(1) or 12 (b) (6).

She also analyzes the challenges to the other causes in her Complaint from an alleged failure to state a claim upon which relief may be granted per (12(b) (6), namely breach of fiduciary duty and intentional infliction of emotional distress.

Finally, the Opposition analyzes the Motion's challenge to Civil RICO, which has a legally complex caselaw history and for which the analysis is often fact intensive.

Due to the foregoing, Plaintiff has estimated that she will need to exceed the 6,500 word limit to no more than 8,000 words, including footnotes, in order to adequately address these issues.

Accordingly, Plaintiff requests leave to file an Opposition Memorandum that does not exceed 8,000 words, as verified by *MS Word*, including footnotes.

A proposed order is attached hereto.

DATED this 3rd day of October, 2019.

Kay Burningham, Attorney at Law

/s/
Kay Burningham,

Attorney for Laura A. Gaddy and the Class